

REMARKS

In the Office Action¹, the Examiner rejected claims 1-7 and 30-33 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-7 and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over McGregor et al. (U.S. Patent No. 6,198,915) ("*McGregor*").

Applicants have amended the title and amended claims 1-7, 30, and 32. Claims 1-43 are pending, and claims 8-29 and 34-43 have been withdrawn.

Regarding the rejection of claims 1-7 and 30-33 under 35 U.S.C. §112, second paragraph, Applicants have amended claims 1-7 to recite "electronic apparatus". In addition, Applicants have amended independent claims 1, 30, and 32 to recite "functions, including playback, recording, fast forwarding, and rewinding". It is respectfully submitted that claims 1-7 and 30-33 fully meet the requirements of 35 U.S.C. §112, second paragraph. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-7 and 30-33 under 35 U.S.C. §112, second paragraph.

Applicants respectfully traverse the rejection of claims 1-7 and 30-33 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *McGregor*, does not teach or suggest each and every element of claims 1-7 and 30-33. A *prima facie* case of obviousness has, therefore, not been established.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Claim 1 recites an electronic apparatus including, for example:

operation inputting means for designating one of a plurality of functions;

function executing means for executing functions, including playback, recording, fast forwarding, and rewinding, designated by said operating inputting means;

measuring means for measuring the time during which each of said functions has been executed by said function executing means; and

chargeable amount computing means for computing a chargeable amount based on the execution time measured by said measuring means regarding each of said functions.

(emphasis added). *McGregor* does not teach these limitations.

McGregor discloses mobile debit phone units “where real time calculation[s] of phone charges is necessary to limit phone use or to immediately bill for phone use” (col. 2, lines 27-30). A mobile phone unit 30 “can internally maintain a user’s call account, at least within a rental period or within a period of periodic polling by the central processing unit 14 during off hours” (col. 4, lines 46-50 and Fig. 1). Mobile phone unit 30, when functioning as a debit phone, can continue to operate until the account is exhausted (col. 4, lines 52-53).

McGregor discloses a mobile phone and associated billing of a user’s account either before the phone is used (debit phone), or based on phone charges. *McGregor* does not teach an electronic apparatus, including, “function executing means for executing functions, including playback, recording, fast forwarding, and rewinding, designated by said operating inputting means, and chargeable amount computing means for computing a chargeable amount based on the execution time measured by said measuring means regarding each of said functions”, as recited in claim 1.

Accordingly, *McGregor* fails to establish a *prima facie* case of obviousness with respect to claim 1, at least because the reference fails to teach each and every element of the claim. Claims 2-7 depend from claim 1 and are thus also allowable over *McGregor*, for at least the same reasons as claim 1.

Independent claims 30 and 32 and dependent claims 31 and 33, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *McGregor* for at least the same reasons discussed above in regard to claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 3, 2006

By: /David W. Hill/
David W. Hill
Reg. No. 28,220